

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five minute preparation period was given and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, firefighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

Candidates were rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 3 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 1 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. The appellant challenges his scores for the technical components of both scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved a report of fire on the second floor of five-story hotel of ordinary construction built in 1910. The Incident Commander (IC) orders the candidate to perform an immediate primary search and horizontal ventilation of the building. Question 1 asked for the details of the orders to give to your crew to carry out the assignment.

For the technical component, the assessor assigned a score of 3, using the "flex rule," and indicated that the appellant failed to begin his primary search on the second floor. It was also noted that the appellant missed the opportunity to assist in evacuation. On appeal, the appellant argues that he searched and extricated victims, and provided other actions regarding searching. He also argues that he assisted in evacuation by removing victims.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. All mandatory responses must be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5.

At the end of every scenario and prior to the questions, instructions state, "In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score." The scenario indicated that there is a huge crowd of people milling around on side A, and that the building contains conference rooms, a lobby area and eating and drinking establishments, banquet halls, kitchen, and guest rooms. Clearly there will be people inside this building and the SMEs determine that assisting in evacuation was an additional response that should be mentioned. This was a formal examination setting, and candidates were required to articulate what they meant. Removing victims is a completely different action from assisting with an evacuation, and credit cannot be given for information that is implied or assumed. As such, the appellant cannot receive credit for assisting in evacuation when he was removing victims.

As to the mandatory response, again, candidates are required to articulate their knowledge in an examination setting. In his appeal, the appellant refers to various actions he took while searching, and the recommendation of a text on where to evacuate first. Nevertheless, a review of his presentation indicates that he did not state that he would begin the primary search on the second floor, the floor with the greatest fire present. He stated, "We will familiarize ourselves with the floor below, and we will coordinate our attack, we will coordinate, excuse me, we will coordinate our search and rescue with the attack teams and ventilation teams. And we will search under the protection of a hose line, where possible. We'll, we will conduct a systematic search staying in contact with the wall at all times, and probing with the end of a tool, ah, the center of the room and in front of us for any holes or any dangers." The appellant did not indicate that he was beginning his primary search on the second floor. He talked about the floor below, but it is unclear which floor this was in the five-story building, and the diagrams indicates that floors one, and two, and three are significantly different regarding wall placement. In any event,

the appellant missed a mandatory response, and his score of 3 for the technical component will not be changed.

The arriving scenario involved a train derailment. For the technical component, the assessor assigned a score of 1, and noted that the candidate failed to establish command uphill and upwind (Question 2), failed to order a primary search of the train (Question 2), and failed to ensure that all rail service and electricity is shut down on the line/flaggers. He also noted that the appellant missed the opportunity to call for hazmat assistance. These were PCAs for question 2, which asked for specific actions to take after giving the initial report. On appeal, the appellant states that he established command, that hydraulic fluid is not a danger, and that he called for speedy dry absorbent. He states that he called for police, assigned a safety officer, removed easily accessible victims then trapped victims, notified hospitals, and had EMS on scene.

In reply, a review of the file indicates that, for the technical component, the appellant missed the actions noted by the assessor, including three mandatory responses. In this presentation, the candidate is the Incident Commander (IC) as he is the highest-ranking officer on scene, the wind is blowing east to west at 10 mph, and there is a significant hydraulic leak on the green train which has been contained. Both trains are commuter trains with electronic locomotives. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, may pose a substantial hazard to human health or environment when purposefully released or accidentally spilled. In this scenario, hydraulic fluids have leaked from the green train. Hydraulic fluids are a large group of liquids made of many kinds of chemicals. The three most common types of hydraulic fluids are mineral oil, organophosphate ester, and polyalphaolefin. The candidate should err on the side of caution and assume that it is petroleum-based, instead of water-based, and treat it like a hazmat incident. Little is known about how hydraulic fluids can affect health. However, since hydraulic fluids are actually mixtures of chemicals, some of the effects seen may be caused by additives in the hydraulic fluids. As this must be considered a Hazmat incident, the SMEs determined that it was mandatory that a command post should be established uphill and upwind because if the fluid catches fire the post will be in the smoke and toxic fumes, or if it is not contained it may run to the post. An additional response would be to call for Hazmat assistance. The appellant did not take these actions, and the appellant's arguments that the fluid is not dangerous and therefore the PCAs are wrong, is unpersuasive.

The appellant established command and set up a command post away from the train in a warm zone on Denholm Drive, and he received credit for this response in question 1, which asked candidates to provide an initial report using proper radio

protocols. However, this response lacks the detail to provide credit in question 2, which asks for specific actions, as it does not account for the wind or terrain.

Further, the appellant did not order a primary search of the trains, and removing easily accessible victims then trapped victims is not the same. The appellant received credit for calling for police, assigning a safety officer, and requesting EMS, which were all separate actions from those noted by the assessor. The appellant did not ensure that all rail service and electricity was shut down on the line. To receive credit for using the police as flaggers, the appellant was required to articulate this action in his presentation. The appellant stated, "I will also request my additional resources which include, police for crowd and traffic control and scene security, EMS and ALS for triage, treatment and transportation, ..." Thus, the appellant did not use police for flaggers as indicated in his appeal, but had them perform crowd and traffic control and scene security. An IC is very remiss in his duties if he does not perform a primary search, but merely attends to the accessible and trapped victims that he finds, and then does not ensure that the rail service and electricity is turned off or that flaggers are available to stop or redirect incoming trains. The appellant missed three mandatory actions as noted by the assessor, and his score of 1 for this component is correct.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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